

**Amendment No. 3 to HB0404**

**Armstrong**  
**Signature of Sponsor**

**AMEND Senate Bill No. 508**

**House Bill No. 404\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting the language of §63-3-208 of Section 1 in its entirety and substituting instead the following:

63-3-208.

(a) Nothing in this act, or in the rules adopted by the board pursuant to this act, shall be interpreted to limit or restrict a health care practitioner licensed under title 63 from engaging in the full scope of practice of such person's profession, training or services. Nothing in this act, or in the rules adopted by the board pursuant to this act, shall be interpreted or permitted to limit or restrict individuals acting under the supervision and control of a pharmacist or pharmacy licensed under title 63, or home medical equipment provider licensed under title 68, from measuring, fitting or adjusting any non-custom fabricated and fitted device, including but not limited to over-the-counter devices or off-the-shelf devices, so long as such individual does not create a cast, mold or scan of a part of the human body for the purpose of constructing a medical device to treat a patient's medical condition and so long as such individual meets one of the following criteria for such device:

(1) Documented training from a manufacturer; or training from a licensed or certified orthotist, prosthetist, or pedorthist; or

(2) Certification or registration as a fitter of orthotics, prosthetics, or pedorthics, from a nationally recognized board or association such as the Board for Orthotist/Prosthetist Certification (BOC), the Board of Certification for Pedorthists, the National Community Pharmacists Association (NCPA), or the American Board for Certification in Orthotics and Prosthetics (ABC); or

(3) Direct supervision by a trained and experienced, or certified, or registered, fitter of orthotic, prosthetic, or pedorthic devices.

(b) Nothing in this act, or in the rules adopted by the board pursuant to this act, shall be interpreted or permitted to limit or restrict individuals acting under the supervision and control of a pharmacist or pharmacy licensed under title 63, or home medical equipment provider licensed under title 68, from measuring, fitting or adjusting any non-custom fabricated and fitted pedorthic devices, including but not limited to diabetic shoes, so long as such individual meets the criteria of either subdivision (a)(2) or (3) and so long as the individual does not create a cast, mold or scan of a part of the human body for the purpose of constructing a medical device to treat a patient's medical problem.